

CHAPTER 104
CONTINUING EDUCATION FOR SALES AGENTS

191—104.1(523A,82GA,SF559) Continuing education requirements.

104.1(1) Credits. For each license term, each licensed sales agent shall be required to complete a minimum of eight credits of continuing education approved by the commissioner. At least two credits, to be known as the ethics and legal requirements continuing education requirement, must cover subjects relating to business ethics, the legal requirements of Iowa Code chapter 523A, 191—Chapters 100 through 106 and other relevant federal and state laws and rules, such as the Federal Trade Commission Funeral Rule (16 CFR Part 453).

a. Automatic exemption. A sales agent shall be exempt from the continuing education requirements during any biennium in which the sales agent can demonstrate that any of the following apply:

- (1) The sales agent served honorably on active duty in military service;
- (2) The sales agent resided in another state having comparable continuing education requirements and the sales agent met all the requirements of that state;
- (3) The sales agent was a government employee working in the sales agent's area of specialty and was assigned to duty outside the United States; or
- (4) The sales agent was absent from this state while engaged in an approved, active practice under circumstances approved by the commissioner.

b. Continuing education exemption for disability or illness. A sales agent who has had a physical or mental disability or illness during the biennium may apply for an exemption.

(1) An exemption will provide for an extension of time or an exemption from some or all of the continuing education requirements.

(2) A sales agent applying for an exemption shall submit a completed application on a form approved by the commissioner. An exemption for disability or illness will not be granted without the signature of a licensed health care professional who can attest to the existence of a disability or illness during the biennium. If the application is from a person who is the primary caregiver to a relative who is ill or disabled and needs care from that primary caregiver, the physician shall verify the applicant's status as the primary caregiver.

(3) The commissioner will grant or deny exemption applications in writing. The terms of the exemption, including any conditions that must be met and the length of any extension of time, shall be set forth in the commissioner's exemption confirmation letter.

(4) If the exemption is approved, the sales agent shall retain a copy of the exemption confirmation letter for no less than four years.

(5) The sales agent must apply for a new exemption if the physical or mental disability or illness continues into the next biennium or beyond the time period approved by the commissioner.

104.1(2) Effective date. Continuing education is a prerequisite for the renewal of any sales agent license for which a renewal application is filed on or after July 1, 2008.

104.1(3) Compliance period. A sales agent's continuing education compliance period shall coincide with the sales agent's license term.

104.1(4) Carryover and expiration of credits. Additional credits that exceed the minimum requirements of this rule may be carried over into the next biennium. However, each sales agent must earn at least one new credit of ethics and legal requirements continuing education during each biennium. A sales agent with an inactive license seeking renewal may use credits not previously reported to the commissioner, regardless of the date earned, for purposes of reinstatement of the license.

104.1(5) Denial of sales agent license renewal application. The commissioner may deny a sales agent license renewal application that does not demonstrate compliance with the rules of this chapter.

104.1(6) Disqualification and replacement of credits. If, as a result of a review, the commissioner determines that certain continuing education coursework does not qualify for credit, a sales agent may be given an opportunity to submit new credits to replace any credits that are not allowed.

104.1(7) Current mailing address. A sales agent's failure to provide a current mailing address to the commissioner and the resulting failure to receive notices or letters from the commissioner regarding continuing education requirements and reporting shall not absolve the sales agent from the requirements of this chapter and shall not provide good cause for any waiver or exemption.

191—104.2(523A,82GA,SF559) Proof of completion of continuing education requirements. A sales agent is required to maintain a record of all continuing education courses completed by keeping the original certificates of completion and a description and outline of the course attended for four years.

191—104.3(523A,82GA,SF559) Standards for continuing education activities. A continuing education activity that meets all of the following criteria is appropriate for continuing education credit.

104.3(1) The activity constitutes an organized program of learning which contributes directly to the professional competency of the licensee;

104.3(2) The activity pertains to subject matters which integrally relate to the sale of funeral merchandise, funeral services, cemetery merchandise and purchase agreements subject to Iowa Code chapter 523A;

104.3(3) The activity is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program;

104.3(4) The activity fulfills stated program goals and objectives; and

104.3(5) The person conducting or sponsoring the activity provides proof of attendance to attendees.

191—104.4(523A,82GA,SF559) Qualifications of presenters and proof of attendance. Proof of attendance at a continuing education activity shall, at a minimum, include the following:

1. The date of the activity, the location of the activity, the course title, and the identity and qualifications of the presenter(s).

2. The number of program contact credits; and

3. A certificate of completion or evidence of successful completion of the course provided by the person conducting or sponsoring the activity.

191—104.5(523A,82GA,SF559) Acceptable areas of continuing education. The categories of acceptable continuing education include the following:

1. Ethical behavior related to the death care industry.

2. Good business practices and procedures related to funeral directors, funeral establishments, cremation establishments and cemeteries.

3. Legal compliance practices and procedures related to the death care industry, including the sale of funeral merchandise, funeral services, and cemetery merchandise and purchase agreements subject to Iowa Code chapter 523A.

4. Funeral merchandise, funeral services and cemetery merchandise and their regulation.

5. Life insurance and annuity products and their regulation.

6. The Federal Trade Commission's Funeral Rule (16 CFR Part 453).

7. Regulations from the Occupational Safety and Health Administration, the Americans with Disabilities Act and the Environmental Protection Agency.

8. The estate recovery program and regulations.

9. Mortuary science law and public health and technical standards, requirements and issues regarding the handling and interment of deceased human remains.

10. Business management, accounting and record-keeping practices.

11. Computer equipment, systems and software.

12. Other subject areas as approved by the commissioner.

191—104.6(523A,82GA,SF559) Academic coursework.

104.6(1) Academic coursework that meets the criteria set forth in this chapter is acceptable.

104.6(2) Each credit hour of academic coursework successfully completed by a licensee shall be credited as 1.5 hours of continuing education. This multiplier shall be used only once per biennium for identical or substantially similar presentations.

104.6(3) Continuing education credit equivalents are as follows:

1 academic semester hour = 10 continuing education credits

1 academic trimester hour = 8 continuing education credits

1 academic quarter hour = 7 continuing education credits

191—104.7(523A,82GA,SF559) Reviews.

104.7(1) The commissioner may review licensees and persons conducting or sponsoring continuing education activities to ensure compliance with this chapter.

104.7(2) At the time of a review, the information requested from persons conducting or sponsoring continuing education activities shall include, but not be limited to, the following:

- a.* The qualifications of presenters.
- b.* Records documenting licensees' attendance at the activity.
- c.* A course description.
- d.* Official school transcripts indicating licensees' successful completion of an academic course.

104.7(3) Upon notice of a continuing education review, a sales agent shall provide the following information to the commissioner:

- a.* The date and location of the course, course title, course description, course outline, course schedule, names and qualifications of the presenter(s), and the method of presentation or a program brochure or booklet which includes all the information required in this paragraph;
- b.* The number of contact credit hours attended; and
- c.* The individual certificate of completion issued or evidence of successful completion of the course from the person conducting or sponsoring the continuing education activity.

These rules are intended to implement Iowa Code chapter 523A and 2007 Iowa Acts, Senate File 559.

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